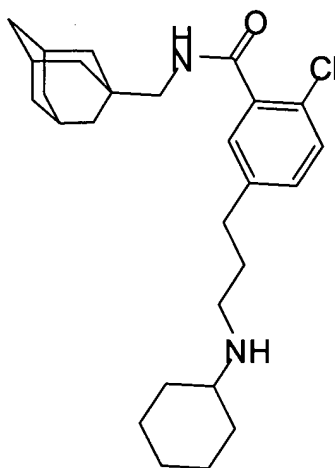


Response to Restriction Requirement

2-Chloro-5-[3-(cyclohexylamino)propyl]-N-(tricyclo[3.3.1.1^{3,7}]dec-1-ylmethyl)-benzamide
having the formula:



Claim Amendments

1-WA/2487129.1

Claims 1, 10, 11, 12, 13, 20, 22 and 23 have been amended for clarification by removing the redundant phrase “or solvate” therefrom. It is believed that whether a chemically defined compound is or is not in the form of a solvate is immaterial to the scope of these claims, and this superfluous recitation has therefore been removed by the above amendments.

More specifically, a solvate in the pharmaceutical context as defined in Stedman’s Medical Dictionary (and similarly in the PDR Medical Dictionary) is simply “a nonaqueous solution or dispersoid in which there is a noncovalent or easily reversible combination between solvent and solute, or dispersion means and disperse phase; when water is the solvent or dispersion medium, it is called a hydrate.” The solvent molecule of a solvate has been described as a species introduced into the crystal and no part of the organic host molecule is left out or replaced (see, *e.g.*, West, Solid State Chemistry at page 358). Thus, whether a chemically defined compound is or is not noncovalently associated with a solvent does not affect the scope of the claim to the compound, *per se*, any more than placing such compound in solution would remove the compound from the scope of such claim. Therefore, the alternative recitation of “or solvate ... thereof” is seen as being entirely superfluous, and neither expands nor contracts the scope of these claims. In other words, a claim to a novel compound *per se* encompasses such compound, regardless of the state of solvation or hydration, or its polymorphic form, and regardless of whether it is a racemic mixture or a resolved enantiomer. Since the alternative recitation of “or solvate ... thereof” does not, and is not intended to, expand or limit the scope of these claims, it is believed appropriate to remove that recitation from the claims.

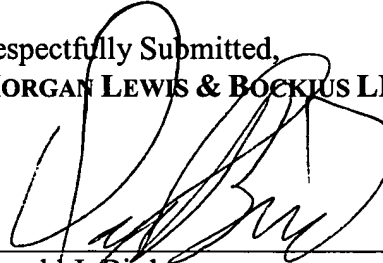
Non-elected claims 11, 13, 20, 21 and 22 have been designated as “withdrawn” pending allowance of the compound claims, at which time rejoinder of these method of use and process for making claims is requested. However, it is respectfully requested that the above amendments to these claims be made before they are formally withdrawn so that the scope and content of these claims remains consistent with the elected claims in order to facilitate their rejoinder at an appropriate time.

This response is believed to be fully responsive to the restriction requirement, but if some aspect of the requirement has been overlooked, it is respectfully requested that the Examiner telephone the undersigned to expedite completion.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310.

This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,
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